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8 *Attorneys for Defendants*
Bloom Energy Corporation, KR Sridhar, Randy
9 Furr, L. John Doerr, Scott Sandell, Eddy
Zervigon, Colin L. Powell, Peter Teti, Mary K.
10 Bush, and Kelly A. Ayotte

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA

14 ELISSA M. ROBERTS, Individually and on
Behalf of All Others Similarly Situated,

15 Plaintiff,

16 vs.

17 BLOOM ENERGY CORPORATION, et al.,

18 Defendants.

Case No. 3:19-cv-02935-WHO

CLASS ACTION

**STIPULATION AND ORDER
REGARDING BRIEFING AND
HEARING SCHEDULE FOR LEAD
PLAINTIFF'S CONFIDENTIALITY
MOTION**

Assigned to: Honorable William H. Orrick

1 **STIPULATION**

2 Pursuant to Civil Local Rule 7-12, this stipulation and proposed order is submitted by

- 3 • Lead Plaintiff James Everett Hunt (Lead Plaintiff), and
- 4 • Defendants Bloom Energy Corporation, KR Sridhar, Randy Furr, L. John Doerr,
- 5 Colin L. Powell, Scott Sandell Peter Teti, Eddy Zervigon, Mary K. Bush, Kelly A.
- 6 Ayotte (Defendants).

7 **WHEREAS:**

8 1. On May 28, 2019, Elissa M. Roberts filed a federal securities class action in the above-

9 captioned matter in the United States District Court, Northern District of California against

10 defendants Bloom Energy Corporation, KR Sridhar, Randy Furr, L. John Doerr, Scott Sandell, Eddy

11 Zervigon, Colin L. Powell, Peter Teti, Mary K. Bush and Kelly A. Ayotte.

12 2. On September 3, 2019, following the briefing of lead plaintiff motions, this Court appointed

13 James Everett Hunt as Lead Plaintiff and Levi & Korsinsky, LLP as Lead Counsel (ECF No. 39).

14 3. On November 1, 2019, Lead Plaintiff filed a Motion to Limit Scope of Confidentiality

15 Agreement (the Confidentiality Motion).

16 4. Defendants' deadline to oppose the Confidentiality Motion is November 15, 2019.

17 5. Lead Plaintiff's deadline to submit a reply in support of the Confidentiality Motion is

18 November 22, 2019.

19 6. The Confidentiality Motion is set for oral argument before this Court on December 11, 2019.

20 7. Counsel for Defendants cannot be present for oral argument before this Court on December

21 11, 2019, due to a pre-existing obligation to represent a witness in an SEC deposition in an unrelated

22 matter scheduled for that date.

23 8. Lead Plaintiff and Defendants have agreed to re-set the oral argument before this Court for

24 December 18, 2019.

25 9. Lead Plaintiff and Defendants have also agreed to a short extension of the briefing schedule

26 on the Confidentiality Motion, such that Defendants' opposition would be due November 21, 2019

1 and Lead Plaintiff's reply would be due December 4, 2019. This schedule ensures that briefing will
2 be complete two full weeks before the December 18, 2019 oral argument, as contemplated by Local
3 Rules 7.2 and 7.3.

4 **IT IS THEREFORE STIPULATED AND AGREED** by Lead Plaintiff and Defendants
5 that, subject to the Court's approval, the following schedule is adopted for the briefing of and oral
6 argument on the Confidentiality Motion:

- 7 1. Defendants shall submit their opposition to the Confidentiality Motion by November
8 21, 2019.
- 9 2. Plaintiff shall submit his reply in support of the Confidentiality Motion by December
10 4, 2019.
- 11 3. The Confidentiality Motion will be set for oral argument on the Court's calendar for
12 December 18, 2019.

13 **IT IS SO STIPULATED.**

1 Date: November12, 2019

By: /s/ Adam C. McCall

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Attorneys for Lead Plaintiff

9 Date: November 12, 2019

By: /s/ Sara B. Brody

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DATED: November 12, 2019

Attorneys for Defendants

1 **ORDER**

2 Pursuant to the parties' stipulation, and for good cause shown, IT IS SO ORDERED that:

- 3 1. Defendants shall submit their opposition to the Confidentiality Motion by November
4 21, 2019.
- 5 2. Plaintiff shall submit his reply in support of the Confidentiality Motion by December
6 4, 2019.
- 7 3. The Confidentiality Motion will be set for oral argument on the Court's calendar for
8 December 18, 2019.

9
10 DATED: November 14, 2019

By: 

Honorable William H. Orrick
United States District Judge